



Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D.M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF  
PLANNING AND DEVELOPMENT**

**Application Number:** 2204981  
  
**Applicant:** Jay Deguchi, Architect  
Kevin Lim, Developer  
  
**Address:** 4509 15<sup>th</sup> Avenue South

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish use for future construction of four story building containing 2, 223 square feet of customer service office and 17 apartment units with parking for 21 vehicles to be provided partially below grade to be accessed from the alley. Project includes future demolition of existing structure.

The following Master Use Permit components are required:

**Design Review – Seattle Municipal code (SMC) Section 23.41 with Development  
Standard Departures:**

1. Departure from structure setback standards of (SMC 23.47.014.B4) – To allow a portion of the structure above 13' height limited to be located within the required rear lot line adjacent to a residentially zoned lot.

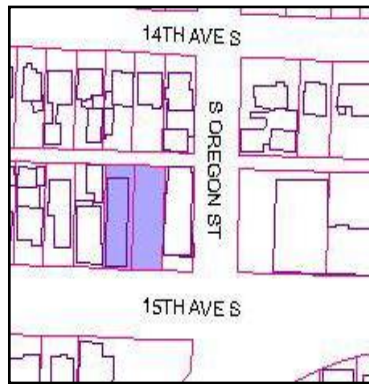
**SEPA Environmental Review – Seattle Municipal Code (SMC) Section 25.05**

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction.

## **PROJECT AND VICINITY DESCRIPTION**



The project site is located just past the intersection of 15<sup>th</sup> Avenue South and South Oregon St in the Beacon Hill Neighborhood of Seattle. The site is zoned Neighborhood commercial 1 with a maximum height of 40 feet (NC1-40). Currently the property is developed with a small apartment building which will be removed to make way for future development. The area surrounding the project site is developed with a mix of small retail spaces and residential uses. Directly across 15<sup>th</sup> sits a popular produce market. The zoning and development become residential as you move north, south and west from the project site.

The site contains approximately 9,587.56 square feet of land and has roughly 80 feet of street frontage along 15<sup>th</sup> Avenue South and approximately 120 feet of depth ending at a fully improved alley.

### **Proposal**

The applicant proposes to construct a four-story mixed use building with two retail spaces at ground level and 17 residential unit above. Parking for the structure is proposed partially below grade in a garage accessed from an alley abutting the site.

### **Public comment**

The SEPA comment period for this proposal ended on November 5, 2003. During this period, three comment letters from the public were received. The neighborhood residents expressed concern that the proposed building was out of scale with the current development in the area and that the new residents and business would increase the amount of traffic.

An Early Design Guidance (EDG) meeting was held on March 25, 2003. One member of the public attended. He raised a few concerns related to the overall impact the proposed structure would have on his building which is directly north of the property site. In particular he was concerned about the possibility of the building being placed right along the property line reducing the available light along an existing pedestrian pathway and increasing safety concerns by creating places to hide.

Two members of the public attended the recommendation meeting that was held on December 16, 2003. They asked the board and architect how drainage and traffic to and from the units and commercial spaces would be handled. They informed the board that there had been recent incidents of graffiti and wondered if the proposed exterior materials were designed to be easily cleaned. They also pointed out that the rooftop open space as proposed was a wonderful component of the project.

## **ANALYSIS – DESIGN REVIEW**

### **Early Design Guidance**

The EDG meeting for this application was held on March 25, 2003. The three major design areas the Board identified during the EDG meeting were to respect adjacent sites, provide entrances visible from the street and provide good residential open space. The Board urged the applicant to consider how a new larger structure on this site would impact the opportunities for natural light on the adjacent properties especially the single family homes which area across the alley. In addition they challenged the architect to create opportunities for quality open space for the residential units and a residential entrance that was both prominent and inviting. The following guidelines were prioritized by the Board at that meeting:

#### **A-3 Entrances Visible from the Street**

*Entries should be clearly identifiable and visible from the street.*

The design should provide a prominent residential entrance, possibly centered between two commercial uses along 15<sup>th</sup> Ave S, similar to what was proposed in the EDG packet and presented to the Board. The entrances should be inviting and well illuminated.

#### **A-4 Human Activity**

*New development should be sited and designed to encourage human activity on the street.*

Since the project site faces a commercial street but is bordered by residential uses the façade along 15<sup>th</sup> Avenue should emphasize human activity.

#### **A-5 Respect for Adjacent Sites**

*Building should respect adjacent properties by being located on their site to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.*

The siting of the proposed structure should respect existing development, in particular to preserve as much natural light and air as possible along the property lines.

#### **A-6 Transition Between Residence and Street**

*For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.*

The Board encourages the applicant to include a setback along the alley on the west side of the property as proposed at the EDG meeting

#### **A-7 Residential Open Space**

*Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.*

The Board felt the applicants were headed in the right direction with scenario C and felt that orienting the open space towards the street and providing community space inside the building was a good approach to use when designing the building.

**A-8 Parking and Vehicle Access**

*Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.*

The Board felt the vehicular access to the site should be as proposed from the alley.

**B-1 Height, Bulk and Scale Compatibility**

*Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that created a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.*

The Board felt the proposed design should relate to existing adjacent development and use modulation to reduce the appearance of bulk. The Board also felt the proposed design modulation scheme was a good fit for the site but cautioned the architect to pay close attention to how the proposed structure related to the existing structures.

**C-1 Architectural Context**

*New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.*

The proposed design should reflect the character of the older buildings in the area even if only along the ground floor.

**C-2 Architectural Concept and Consistency**

*Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its façade walls.*

The chosen design should have a clear form and character.

**C-4 Exterior Finish Materials**

*Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.*

The architectural details, materials and colors used for the exterior finish should be chosen for their longevity and durability and the selected glazing should attract pedestrians.

**D-1 Pedestrian Open Spaces and Entrances**

*Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.*

The Board felt the second story open space was a wonderful concept that should be developed further.

**D-2 Blank Walls**

*Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable they would receive design treatments to increase pedestrian comfort and interest.*

The Board felt that the architect should not create blank walls.

**D-7 Personal Safety and Security-**

*Project design should consider opportunities for enhancing personal safety and security in the environments under review.*

The proposed building design should use some of the community open space areas to provide "eyes on the street" and create a safe environment.

**E- 1 Landscaping to Reinforce Design continuity with Adjacent Sites**

*Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.*

Landscaping should be carefully considered in the design concept for the structure and its open terrace on the second level.

**Design Review Board Recommendations**

The Master Use Application (MUP) was submitted to the department of Planning and Development (DPD) on September 24, 2003. The Design Review Board reviewed the final project design on December 16, 2003. The architects presented the Board with a number of elevation renderings, landscape and floor plans, a model and a requested one design departure. During this meeting the Board made the following recommendations:

**C-4 Exterior Finish Materials**

*Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.*

The Board felt the final materials used on the exterior of the structure should be chosen for their longevity and durability. To achieve this the Board recommends applying materials with contrasting colors to the first and second stories. Specifically the architect should consider the use of wood laminate at the second story of the east façade to bring natural light into the space. The Board also recommended no marble-crete along the alley façade at this material is difficult to clean.

**E- 1 Landscaping to Reinforce Design continuity with Adjacent Sites**

*Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.*

The Board recommended the use of landscaping along the 15<sup>th</sup> avenue façade to soften the overall appearance of the structure. Planters along the street should be programmed as shown in the final the application materials submitted to the Department of planning and development. Additionally planters above the commercial space should containing plantings that will spill over.

**Design Review Departure Analysis**

Section 23.47.012.B4 requires a setback of 15' for all portions of a structure above 13' in height whose rear lot line abuts a residentially zoned lot. To accommodate this development standard the architect designed the building with rooftop open space above the garage which abuts the alley lot line. To protect the users of this space and the comply with the building code developments standards for rooftop decks an rail is also required. Due to the gradual slope of the property a small portion of the rail is within the setback area. The roof top garden has been designed to provide both individual and communal areas of open space. Planter boxes designed to accommodate individual gardening and pots to provide for larger planting enable the building meet the intent of guideline A-7 residential open space. In addition the opens space area on the lid of the garage provides a setback that is more than double what is required by the land use code. The design offers a large buffer to separate the single family rear yards which are directly across the alley, guideline A-5, respect for adjacent properties. The five Board members present unanimously recommended that the requested departure be granted.

Development Standard	Proposed	Applicant Justification	Board Recommendation
15' setback for portions of a building above 13' in height.	open rail to project into required setback	the open space the rail it surrounds provide a buffer to residents	Approve

**Board's Recommendations**

**Director's Analysis**

The Director is bound by the five members of the Board recommending approval of the design and requested design departures, except in certain cases, in accordance with Section 23.41.014.F.3. These exceptions are limited to inconsistent application of the guidelines, overstepping of the Board's authority, conflicts with SEPA requirements, or conflicts with state or federal laws. The Director finds no conflicts with SEPA requirements or state or federal laws,

and has reviewed the Citywide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design. In addition, the Director is bound by any condition where there was consensus by the Board and agrees with the conditions recommended by the Board members.

The siting, architectural details and design elements presented in the November 5, 2003 recommendation meeting are expected to remain unaltered. After careful consideration of public comment, review of Early Design Guidance priorities and reviewing the plans presented the Design Review Board members recommended APPROVAL of the project design and the requested departure with the following conditions:

1. Provide colors on the first and second stories that contrast with each other. **Guideline C-4**
2. Do not use marble-crete along the alley facade. **Guideline C-4**
3. Landscaping used on 15<sup>th</sup> avenue should both spill over towards the sidewalk and climb up the façade from the planter boxes. **Guideline E-1**

#### Decision- Design Review

The Director accepts the Board's recommendations. A review of the recommendation of the Design Review Board members present at the recommendation meeting and finds their guidance to be consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The director therefore approves the proposed design with the recommendations as stated above.

#### ANALYSIS SEPA

Environmental review resulting in a threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11 and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated September 24<sup>th</sup> 2003. The information in the checklist and the experience of DPD with review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part: "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation," subject to some limitations. Under such limitations/circumstances (SMC 225.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### Short - Term Construction Related Impacts

The following temporary or construction related impacts are expected: decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; and increased noise.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The ECA ordinance regulates development and construction techniques in designated ECA areas with identified geologic hazards. The Street Use Ordinance requires debris to be removed from the street right of way, and regulates obstruction of pedestrian right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures and life safety issues. Finally the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinance will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted. However due to the immediacy of residential uses additional analysis of potential noise impacts is necessary.

### Noise

Due to the close proximity of residential uses, the limitations of the Noise Ordinance are likely to be inadequate to mitigate potential noise impacts. Pursuant to SEPA policies in SMC section 25.05.675 B, the hours of all work that does not occur within an entirely enclosed structure (e.g. excavation, foundation installation, framing and roofing activity) should be limited to between 7:30 A.M. and 6:00 P.M. to mitigate noise impacts on weekdays which are not city holidays. Limited work on weekdays between 6:00 P.M. and 8:00 P.M. and on Saturdays between 9:00 A.M. and 6:00 P.M. may be allowed if prior approval is secured from the department of planning and development (DPD). Such after-hours work is limited to emergency construction necessitated by safety or street use (traffic) concerns, work of low noise impact; landscaping activity which does not require use of heavy equipment (e.g., planting). Such limited after-hours work may be strictly conditioned. The owner(s) and/or responsible party shall provide at least three (3) days prior notice when requesting extended work hours to allow DCLU to evaluate the request.

### Long-Term Impacts

Long-term or use-related impacts are also anticipated as a result of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; loss of plant life; and increased light and glare. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and



may require additional design elements to prevent isolated flooding. The City Energy Code will require insulation for outside walls and energy efficient windows. Compliance with all other applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impact and no further conditioning is warranted by SEPA policies. Due to the type size and location of the proposed project additional analysis of height bulk and scale is warranted.

### Height Bulk & Scale

The SEPA Height Bulk & Scale Policy of section 23.05.675G state the following “*The height bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies set forth in Section C of the Land Use element of Seattle Comprehensive Plan regarding the system of Land Use Regulations for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning.*”

In addition, the SEPA Height, Bulk and Scale Policy states that “*(a) project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated.*” The Board was aware of the height bulk and scale relationship in their review and recommendations, noting the presence of features which are used to lessen the appearance of bulk and scale. Since the discussion in the previous paragraph indicates that there are no significant height, bulk and scale impacts as contemplated within this SEPA policy, and since the Design Review Board recommended approval of the proposed design with conditions, no additional mitigation of height, bulk and scale impacts is warranted pursuant to this SEPA policy.

### DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

## **CONDITIONS – DESIGN REVIEW**

### **Non-appealable Conditions:**

#### **Prior to issuing the Master Use Permit**

1. Revise the Plans to include all of the Design Review and SEPA conditions on a sheet in the plan sets preferably on an updated Cover Sheet.
2. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner or the Design Review Manager. Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
3. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
4. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings
5. Revise plans to show contrasting colors for the first and second stories along the 15<sup>th</sup> Avenue South façade.
6. Revise plans to show new exterior materials for the alley façade.
7. Revise plans to show landscaping that spills over the 15<sup>th</sup> Avenue Façade.

#### **Prior to issuing the Construction Permit**

8. Three days prior to the pre-construction conference, contact the Land Use Planner to confirm attendance.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, or the Senior Land Use Planner for the project at the specified development stage, as required by the Director's decision. The applicant/responsible party for arranging an appointment with the Land Use Planner at least three (3) working days prior to the required inspection. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure compliance has been achieved. **Prior to any alteration of the approved plan set on file at DPD, the specific revisions shall be subject to review and approval by the Land Use Planner.**

## **CONDITIONS - SEPA**

### *Appealable Conditions:*

#### *During Construction*

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placard prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on –site for the duration of the construction.

9. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 am and 6:00 pm and between the hours of the 9:00 am and 6:00 pm on Saturdays (except that grading, delivery and pouring of cement, and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping after approval form DPD).

Signature: (signature on file) Date: January 8, 2004  
Glenda Warmoth, Land Use Planner  
Department of Planning and Development  
Land Use Services